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IP Primer

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UAHuntsville

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Intellectual

- Is any product of the human intellect that is unique, novel, and unobvious (and has some value in the marketplace), an idea, invention, expression or literary creation, or unique name.

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US CONSTITUTION
ARTICLE I, SECTION 8, CLAUSE 8

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Pate	• Covers the idea. A patent is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention
Tradem	• Identifies a unique source of goods or services.
Copyri	• Protects the form of the idea.
Trade	• Protects what you don't want anyone to know.

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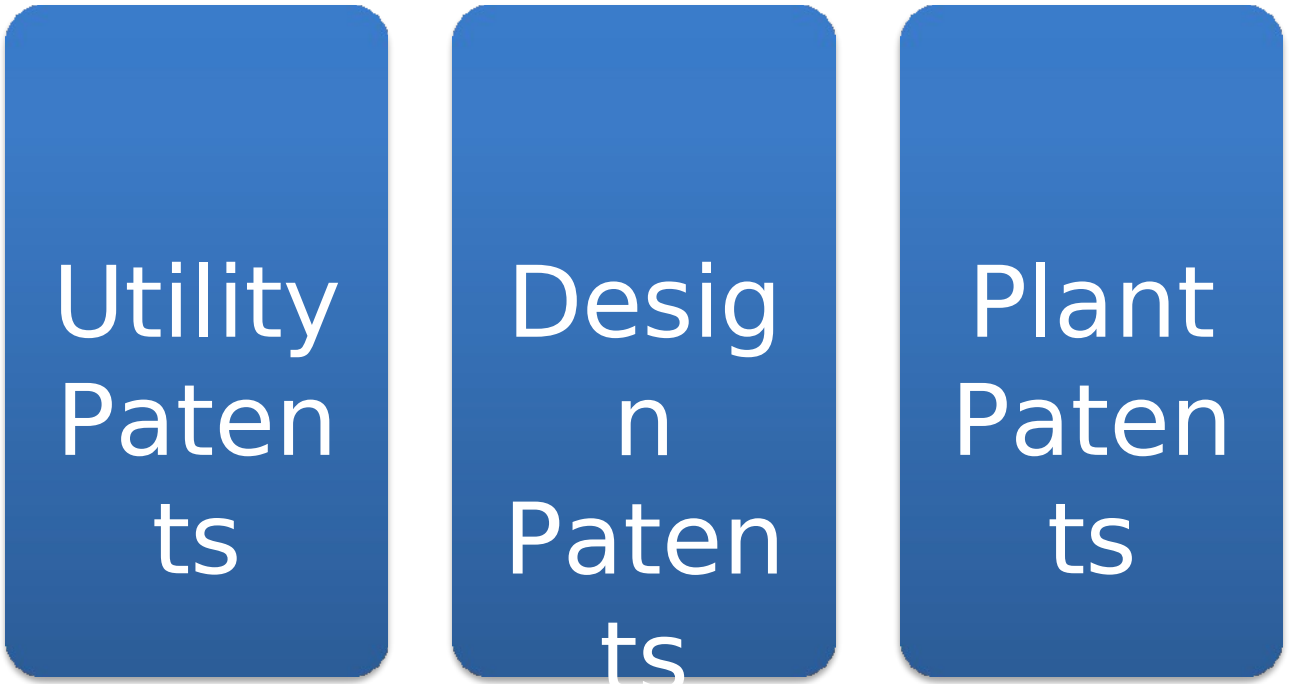

Patent only confers the right to ***exclude others,*** *but there is no right to practice your own invention.*

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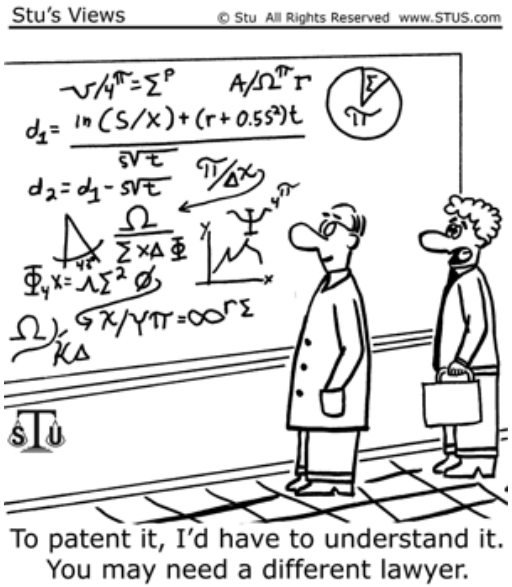
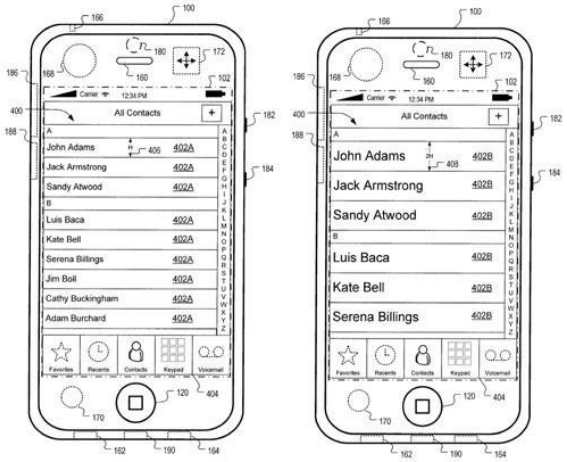


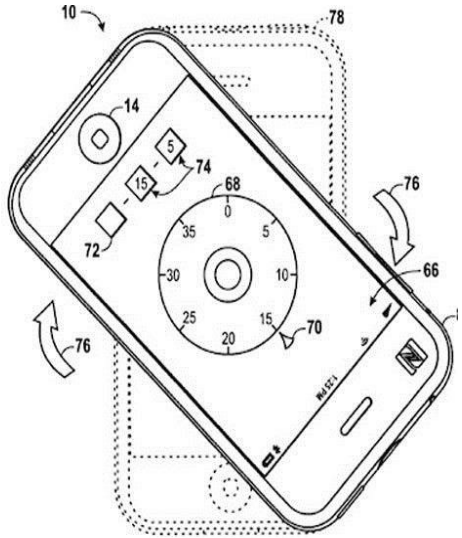
- Statutory subject matter includes machines, articles of manufacture, compositions of matter, processes (including new uses), and any improvements thereof.

- Excluded subject matter includes printed matter and pure algorithms.

- Novelty, non-obviousness and utility are the basic requirements for

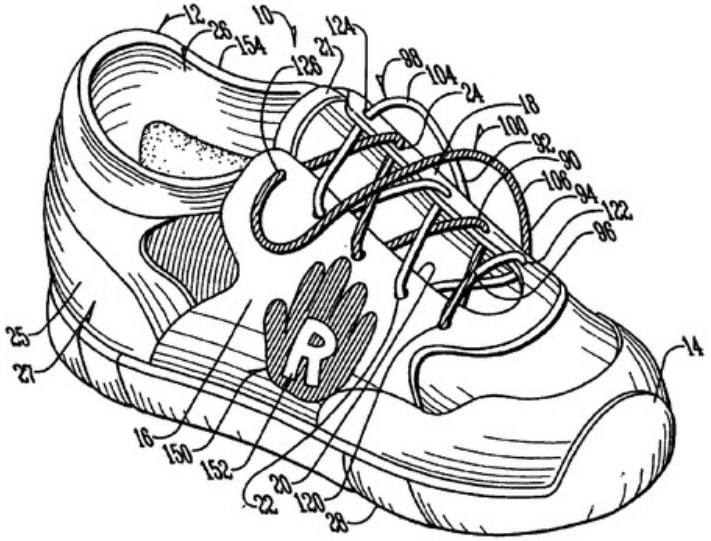
- NOVELTY
- Patented, published, known or used by
  others before your invention was made
- In public use, on sale, or published more
  than one year before your filing date
- Described in a patent by another with a filing date earlier than your invention date
- Invented by another





- Obviousness means that the invention is different from the prior art, but the differences are so trivial as to be "obvious to one of ordinary skill in the art."

- Requirements are (a) a teaching of each element in the prior art; (b) a motivation to modify the prior art to arrive at the invention; and (c) a likelihood of success in making and using the invention.



- A patent application must teach how to make and use the claimed invention

- It also must disclose the “best mode” for making and using the claimed invention

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- Inventors are the default/initial owners.
- Employers generally include assignment obligations as a condition of employment.
- U.S. government rights (must be noted in application); “march in” rights; royalty free licenses.

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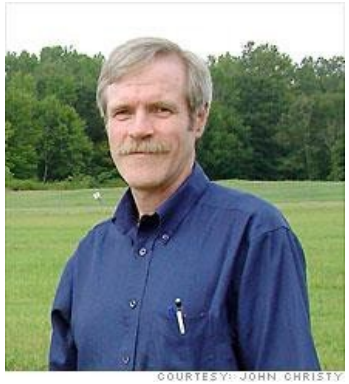
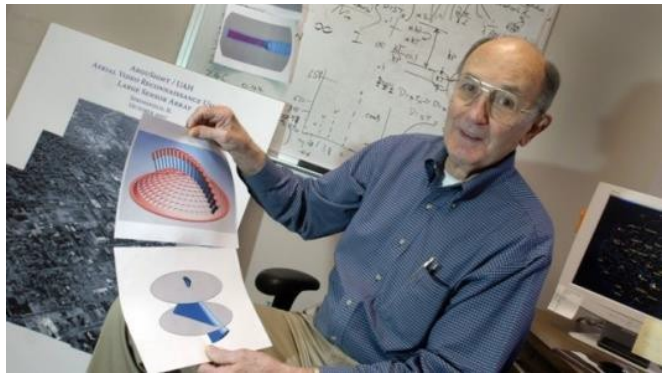
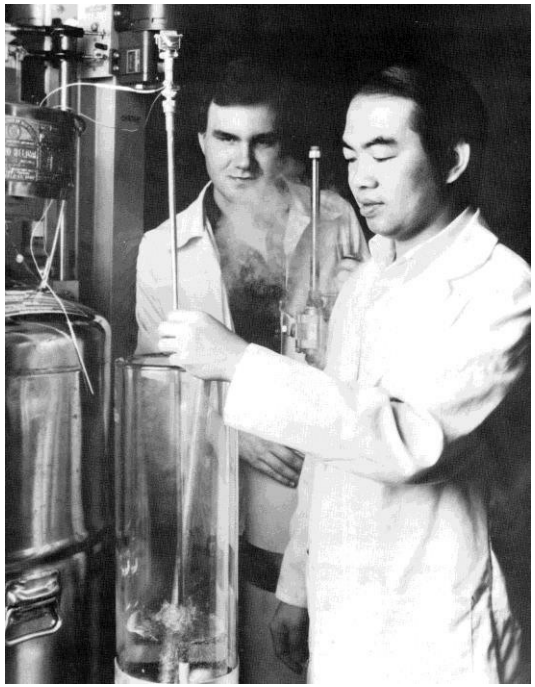




“The threshold question in determining inventorship is who conceived the invention. Unless a person contributes to the conception of the invention, s/he is not an inventor ... [and] reduction to practice, *per se*, is irrelevant ....” However, while conception may be the key, reduction to practice may be very



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Arbitrary or fanciful marks

- Kodak®
- Exxon®
- Apple Computers®

Suggestive marks

- Burger King®

Descriptive marks

- ChapStick®
- Raisin Bran®

Generic

- “BEER”

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Copyright

- A copyright protects works of authorship, such as writings, music, and works of art that have been tangibly expressed.

Mask Works

-

Available for original works of authorship

Copyright attaches upon fixing in a tangible medium

- literary works
- musical works
- dramatic works
- sculptural works
- architectural works
- pantomimes
- choreography
- pictorials
- graphics
- motion pictures
- sound recordings
- software

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Know-how

- specialized knowledge or information that has economic value in not being widely known

Trade Secr

- like know-how, but satisfies more rigorous statutory or common law requirements

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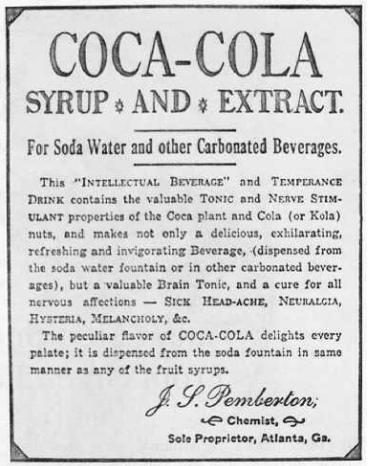
- Recipes (Coca-Cola



COCA-COLA

SYRUP ⁘ AND ⁘ EXTRACT.

For Soda Water and other Carbonated Beverages.

This "INTELLECTUAL BEVERAGE" and TEMPERANCE DRINK contains the valuable TONIC and NERVE STIMULANT properties of the Coca plant and Cola (or Kola) nuts, and makes not only a delicious, exhilarating, refreshing and invigorating Beverage, (dispensed from the soda water fountain or in other carbonated beverages), but a valuable Brain Tonic, and a cure for all nervous affections — SICK HEAD-ACHE, NEURALGIA, HYSTERIA, MELANCHOLY, &c.

The peculiar flavor of COCA-COLA delights every palate; it is dispensed from the soda fountain in same manner as any of the fruit syrups.

J. S. Pemberton,
Chemist,
Sole Proprietor, Atlanta, Ga.

- Pharmaceuticals (Listerine™)
- Financial Information
- Client lists

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America Invents Act

Effective March 16, 2013

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AMERICA INVENTS ACT (H.R. 1249)

- First-Inventor-To File
- Expansion of Prior Art
- Post Grant Review (and a special one for Business Methods and Software)
- Inter Partes Review
- Markings
- Best Mode - relaxed

Bayh-Dole Act

Effective December 12, 1980

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- The Bayh-Dole Act was passed in 1980. The purpose of the law is to encourage the utilization of inventions produced under federal funding.

- This policy promotes the participation of universities and small businesses in the development and commercialization process. It also permits exclusive licensing with transfer of an invention to the marketplace for the public good. The government gets a royalty-free, non-exclusive license to use for government purposes (including use by government contractors).

- The policy permits universities (all non-profits) and small businesses to elect to retain title to inventions made in performance of the federally-funded program.

Obligations:

- Universities must file patents on inventions they elect to own
- Preference for small business licensees
- Licensed products—manufactured in U.S. (whenever possible)
- Royalties must be a) shared with inventor and b) used for research and education
- University reporting obligations

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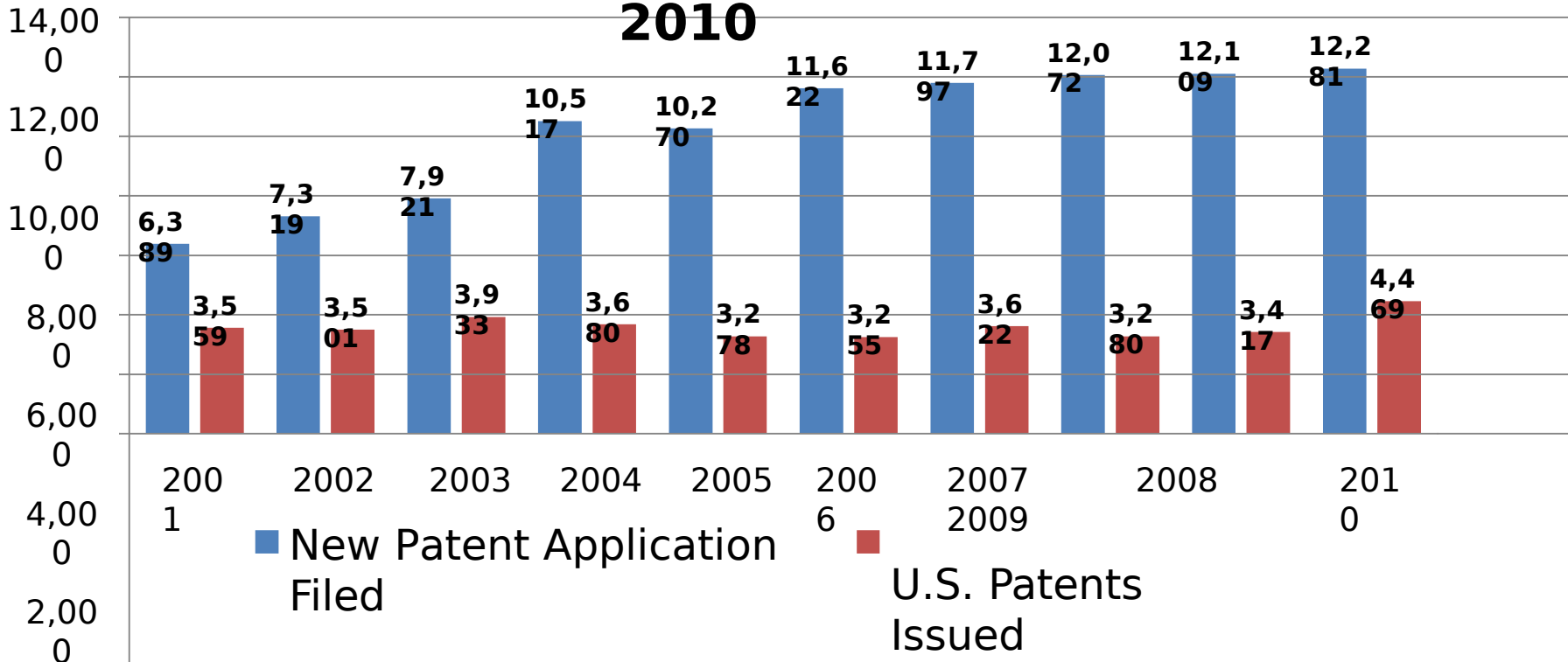
New U.S. Applications Filed and U.S. Patents issued, 2001-2010



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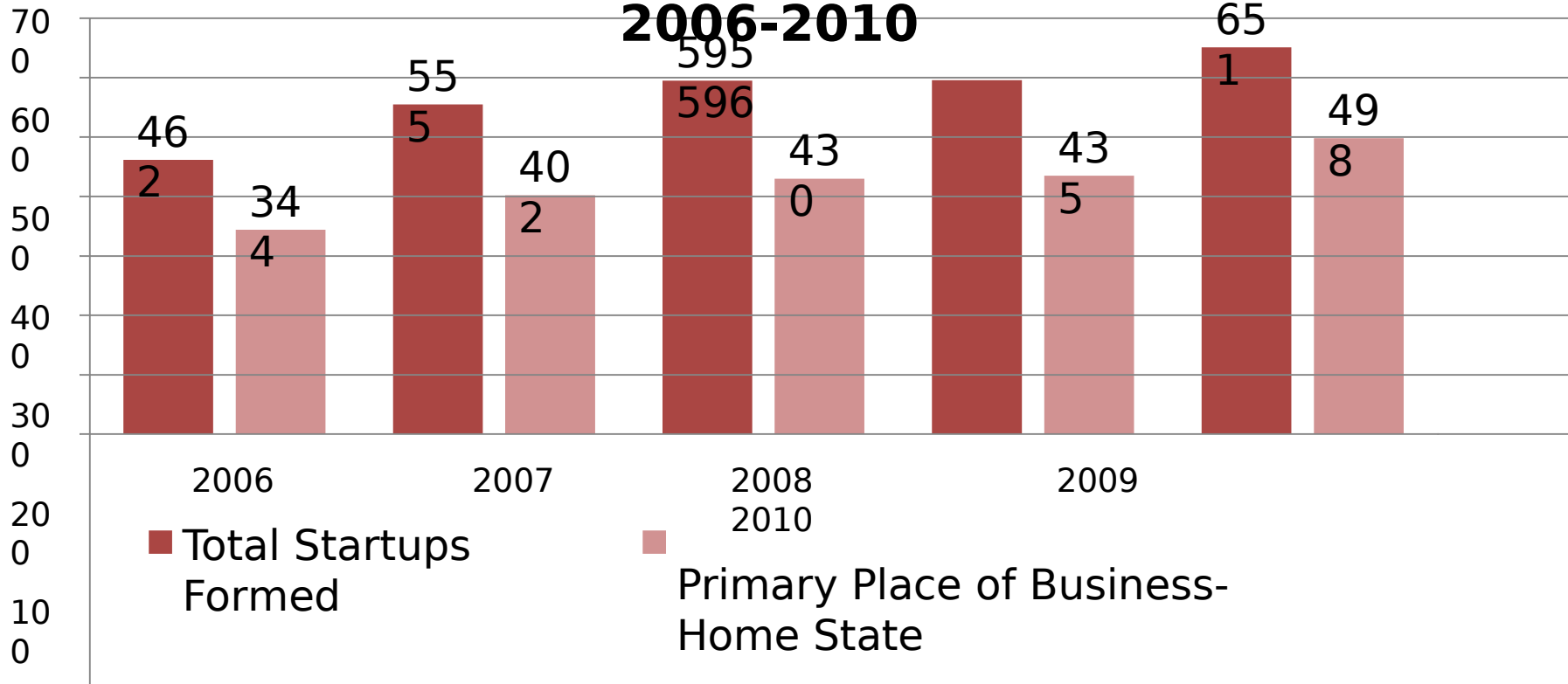
Startups Formed and Primary Place of Business, 2006-2010



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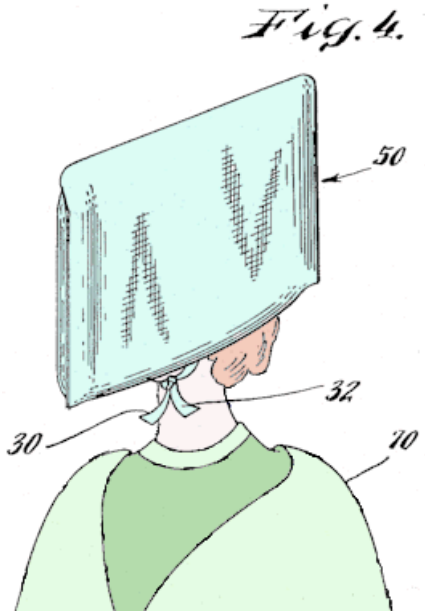
Pillow Crash Helmet

US Patent 3,538,805* / Issued 1968

That's right, with the Pillow Crash Helmet, your cheesy airline pillow now has a slit in the side and a couple of chin straps sewn on. When the pilot announces that it could be an extremely bumpy landing, it's time to make like an ostrich and bury your head in your Pillow Crash Helmet, making sure to fasten you chin straps and assume the kissing your knees position. (The last sentence was sanitized for your protection.) Wow! Talk about flying blind!



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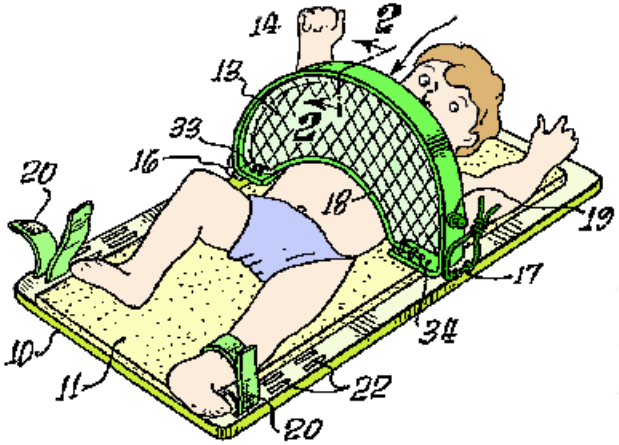
Junior Jail US
Patent#
4,205,966

Issued / 1980

To use, simply place baby on his back, secure the torso barrier and strap in those cute little fluttering feet. Now take your time, relax, junior isn't going anywhere.



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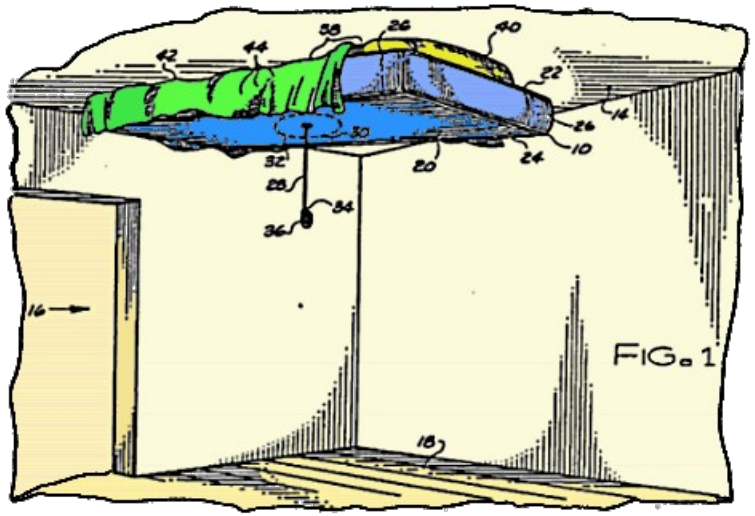
Floating Furniture USA

Patent # 4,888,836 / Issued 1989

Tired of looking at your table and chairs all day long? Does your bed take up entirely too much space? This invention patented in 1989 will allow you to roam your home with no obstacles during the day and sleep easily at night! This lighter than air furniture can be levitated with helium gas and stored on your ceiling when you're not using it!



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“The value of an idea lies in the using of it.”
— Thomas Alva Edison

Thank you

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